



**UNITED STATES OF AMERICA
DEPARTMENT OF TRANSPORTATION
OFFICE OF THE SECRETARY
WASHINGTON, DC**

Issued by the Department of Transportation on July 16, 2004

NOTICE OF ACTION TAKEN -- DOCKET OST-2004-18493

This serves as notice to the public of the action described below, taken by the Department official indicated. No additional confirming order will be issued in this matter.

Applicant: **VILLAGE AVIATION, INC. d/b/a Village Air Cargo** Date Filed: **June 23, 2004**

Relief Requested: **Exemption under 49 U.S.C. 40109 to provide the following service:**

Foreign charter cargo air transportation between Pago Pago, American Samoa, and Apia, Samoa, using one CASA 212 aircraft.

Applicant rep: **Robert P. Silverberg, (202) 944-3300** DOT Analyst: **Lauralyn Remo, (202) 366-5347**

Responsive pleadings: **No objections.**

DISPOSITION

Action: **Approved**

Action date: **July 16, 2004**

Effective dates of authority granted: **July 16, 2004, through August 15, 2004¹**

Basis for approval: **On April 20, 2004, the Department granted Village Aviation emergency exemption authority to conduct charter cargo operations within American Samoa (see Docket OST-2004-17582). Village Aviation's current request to provide foreign charter cargo service to transport building and medical supplies and other shipments to Apia, Samoa is similar to the service it currently provides in American Samoa. In support of its exemption request, Village Aviation references the participation of the United States and Samoa in the Multilateral Agreement on the Liberalization of International Air Transportation (MALIAT).² Furthermore, the carrier indicated the support of the Government of the Independent State of Samoa for its proposed operations. In consultation with the Federal Aviation Administration, we are granting Village Aviation's request.**

¹ In its application, Village Aviation did not specify the duration of the exemption authority requested. Therefore, the Department is limiting Village Aviation's exemption authority for a period of no more than 30 days unless an application and supporting information are filed with the Department to amend Village Aviation's certificate (issued by Order 95-5-1) and remove the condition restricting it to operations within the State of Alaska. Should Village Aviation file such an application, the Department will extend its exemption authority until such time the Department issues a final decision on its application or until September 30, 2004, whichever occurs earlier.

² MALIAT, signed and made effective in 2001, was designed to promote open skies air service agreements between its members. This agreement allows its members to designate air carriers to conduct international air transportation, provided that the designated air carriers abide by the regulations set forth in the agreement. The following are member countries: United States, Chile, New Zealand, Brunei Darussalam, Singapore, Peru, Tonga, and Samoa.

Except to the extent exempted or waived, this authority is subject to the terms, conditions, and limitations indicated:

- ☒ **Holder's certificate of public convenience and necessity**
- ☒ **Standard exemption conditions (see Attachment)**

**Action taken by: Randall D. Bennett, Director
Office of Aviation Analysis**

On the basis of data officially noticeable under Rule 24(g) of the Department's regulations, we found the applicant qualified to provide the services authorized.

Under authority assigned by the Department in its regulations, 14 CFR Part 385, we found that (1) our action was consistent with Department policy; (2) grant of the exemption authority was consistent with the public interest; and (3) grant of the authority would not constitute a major regulatory action under the Energy Policy and Conservation Act of 1975. We may amend, modify, or revoke the authority granted in this Notice at any time without hearing at our discretion.

Persons entitled to petition the Department for review of the action set forth in this Notice under the Department's regulations, 14 CFR §385.30, may file their petitions within seven (7) days after the date of issuance of this Notice. This action was effective when taken, and the filing of a petition for review will not alter such effectiveness.

An electronic version of this document is available on the World Wide Web at:
<http://dms.dot.gov/>

U.S. Carrier Exemption Conditions

In the conduct of the operations authorized, Village Aviation, Inc. shall:

- (1) Obtain from the appropriate foreign governments such operating rights as may be necessary;
- (2) Comply with the requirements for reporting data contained in 14 CFR 241;
- (3) Comply with requirements for minimum insurance coverage, and for certifying that coverage to the Department, contained in 14 CFR 205;
- (4) Comply with all applicable requirements of the Federal Aviation Administration and with all applicable U.S. Government requirements concerning security, including, but not limited to, 49 CFR Part 1544. To assure compliance with all applicable U.S. Government requirements concerning security, the holder shall, before commencing any new service (including charter flights) to or from a foreign airport, contact its International Principal Security Inspector (IPSI) to advise the IPSI of its plans and to find out whether the Transportation Security Administration has determined that security is adequate to allow such airport(s) to be served; and
- (5) Comply with such other reasonable terms, conditions, and limitations required by the public interest as may be prescribed by the Department of Transportation, with all applicable orders and regulations of other U.S. agencies and courts, and with all applicable laws of the United States.

The authority granted shall be effective only during the period when the holder is in compliance with the conditions imposed above.